

EXHIBIT 16

Declaration of Sean O'Mara

**(UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

LOCAL 8027, AFT-NEW HAMPSHIRE, AFL-CIO, RYAN)
RICHMAN, JOHN DUBE and JOCEYLN MERRILL,)
teachers in the New Hampshire Public Schools, and)
KIMBERLY GREEN ELLIOTT and MEGHAN EVELYN)
DURDEN, parents or guardians of children in the New)
Hampshire public schools.)

Plaintiffs,)

v.)

FRANK EDELBLUT, in his Official Capacity as)
Commissioner of the DEPARTMENT OF EDUCATION)
("DOE"), CHRISTIAN KIM in his Official Capacity as the)
Chair of the NEW HAMPSHIRE COMMISSION ON)
HUMAN RIGHTS, and JOHN FOMELLA in his Official)
Capacity as ATTORNEY GENERAL of the State of New)
Hampshire.)

Defendants.)

-----)
ANDRES MEJIA,)
CHRISTINA KIM PHILIBOTTE, and)
NATIONAL EDUCATION ASSOCIATION-NEW)
HAMPSHIRE,)

Plaintiffs,)

v.)

FRANK EDELBLUT, in his official capacity only as the)
Commissioner of the New Hampshire Department of)
Education,)

JOHN M. FORMELLA, in his official capacity only as the)
Attorney General of the State of New Hampshire,)

AHNI MALACHI, in her official capacity only as the)
Executive Director of the New Hampshire Commission for)
Human Rights,)

CHRISTIAN KIM, in his official capacity)
only as the Chair of the New Hampshire Commission for)
Human Rights,)

KEN MERRIFIELD, in his official capacity only as the)
Commissioner of the Department of Labor,)

Defendants.)

Civil No. 1:21-cv-01077-PB

DECLARATION OF SEAN M. O'MARA

I, Sean M. O'Mara, pursuant to 28 U.S.C. § 1746, depose and say as follows:

1. I live in Cheshire County, New Hampshire.
2. I am an eighth grade Social Studies teacher at Keene Middle School in Keene, New Hampshire. I have been a teacher for 24 years.
3. I am a member of NEA-NH and the Keene Education Association.
4. I am certified by the State Board of Education, and thus, am subject to the “Educator Code of Conduct” (N.H. Admin. Code R. Ed. 510-512) that is now embedded within N.H. Rev. Stat. Ann. (“RSA”) 193:40 (hereinafter, the “Banned Concepts Act” or the “Act”). *See RSA 193:40, V.*
5. I am offering this Declaration in my individual capacity and not on behalf of the District that employs me.

6. As an eighth-grade social studies teacher I teach units on early American history from the Revolutionary War through the Civil War and Reconstruction.

7. Before the Act was passed, in the 2020-2021 school year there was discussion among teachers in our school about embarking on coordinated curriculum planning. We wanted to work across all subject matter areas to coordinate materials and topics so that students would experience a throughline in all of their classes. We hoped the result would be better retention and connection with the material.

8. Because our students learn early American history, including slavery, the Civil War, and Reconstruction, we determined that part of instruction would need to address the history of racism in America.

9. *Stamped Racism, Antiracism, and You- A Remix of the National Book Award-winning Stamped from the Beginning* by Jason Reynolds and Dr. Ibram X. Kendi (“*Stamped (Remix)*”) was a book identified as age appropriate for our students, relevant to our course of study, and authored by credible and knowledgeable scholars.¹ Jason Reynolds was particularly known to our students and teachers because of his other young adult works which were held in high regard. We thought his involvement in the book might encourage our students’ learning and participation.

10. After approval by the School Board, 250 copies of this book were purchased with the intent that all eighth graders would read the book. Many subject areas would interweave it into their curriculum. For example, Reading and English classes would engage in the portions of the book that relate to the Jim Crow and Civil Rights eras. Social Studies classes would use the

¹ An example selection of *Stamped (Remix)* is appended to this Declaration.

portions of the book that deal with the origins of race as a social construct, its codification, the development of race-based chattel slavery in the Americas, and the Abolition movement.

11. After the Act was passed there was a lot of confusion among me and my colleagues about what kinds of teaching could take place and what kind of materials could be used. We did not know whether a book like *Stamped (Remix)* would be prohibited by the Act.

12. Further fueling this confusion, Commissioner Frank Edelblut published an Op-Ed in the *New Hampshire Union Leader* on June 13, 2021, entitled “Teach Children About Racism, Not to be Racists.” The Op-Ed was in support of the recently Banned Concepts Act and it explained why the Commissioner believed the law was necessary.

13. This Op-Ed specifically named *How to Be an Anti-Racist* as a problematic book which “support[s] Critical Race Theory.” *How to Be an Anti-Racist* is written by Dr. Ibram X. Kendi who also wrote *Stamped from the Beginning* (which *Stamped (Remix)* was adapted from). These books are all drawn from Dr. Kendi’s scholarly “anti-racist” work and have similarities.

14. The Commissioner wrote that “supporters of Right to Freedom From Discrimination legislation want to make sure that children are taught about racism, but not to be racists, as Kendi seems to advocate.”

15. As a New Hampshire educator who has to follow the law, I never received specific list of materials, lessons plans, or texts that were impermissible. The only guidance I had access to was the Attorney General’s FAQ about the law. The Department of Education and the Commissioner provided no other guidelines despite their ability to sanction my license for violations of the Act.

16. This left me and others to piece together publicly available comments from the Commissioner to aid our understanding of what was permissible.

17. From this Op-Ed, it seemed that the Commissioner believed the work of Dr. Kendi violated the Act given that he said Dr. Kendi teaches students to be racist and that the Commissioner made this comment in the context of praising the Act because it would keep this kind of material from being taught.

18. My colleagues and I understood that violations of the Act could lead to the revocation of our teaching licenses through a process which the Commissioner oversees. We did not want to violate the Act.

19. Additionally, as we headed into the following school year, I understood that our school administration had asked us to set the project aside due to this uncertainty and that we should not make further plans for grade-wide engagement with *Stamped (Remix)*.

20. Over the next school year, the planned grade-wide reading of *Stamped (Remix)* was not implemented. The books sat on the shelf untouched.

21. I understand that now a few students at my school have decided to read the book independently, but we have never embarked on a school-wide reading project of this book as we originally planned.

22. I don't know if assigning the book would in fact violate the Act. The law is not clear enough for me to determine that.

23. Relatedly, I have spoken to many colleagues who teach the same subject matter as me. Because we must discuss racism, slavery, and oppression of Black Americans they are nervous that what they may say would be misunderstood and weaponized against them. They feel more nervous to teach this material now than they ever did before the Act was passed.

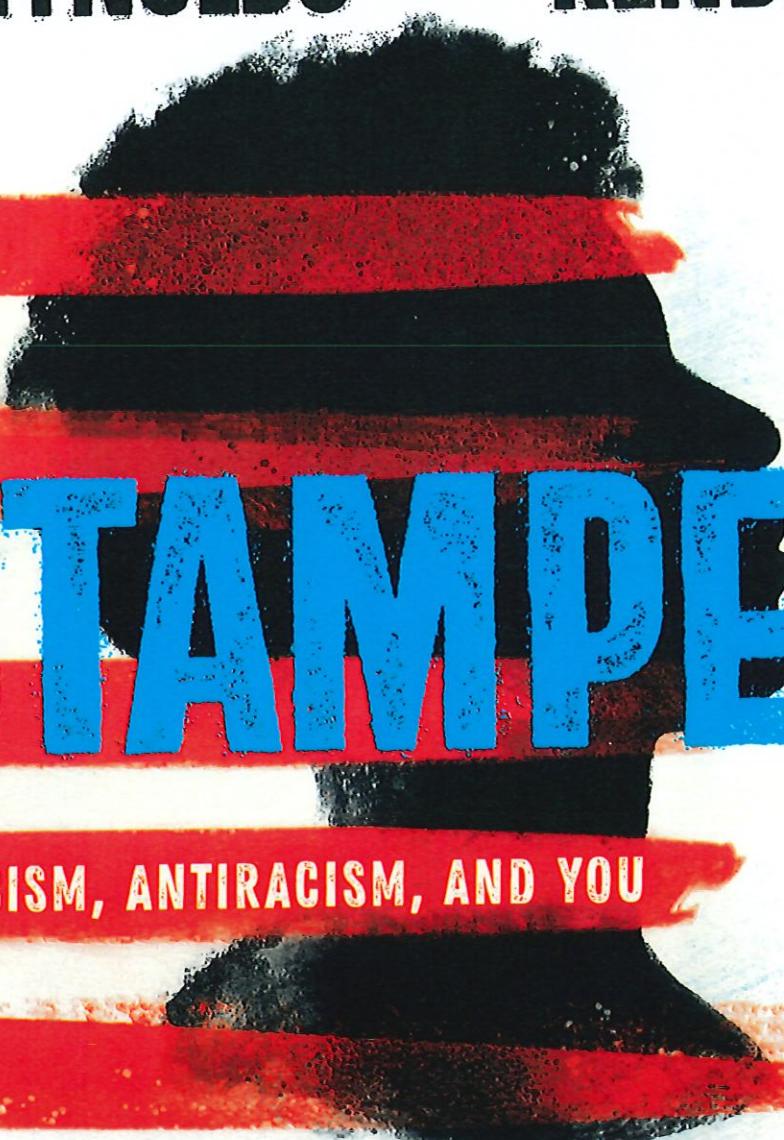
I declare under penalty of perjury that the foregoing is true and correct.

Executed this 17th day of July, 2023

/s/ Sean O'Mara
Sean M. O'Mara

THE #1 NEW YORK TIMES BESTSELLER

JASON REYNOLDS IBRAM X. KENDI



STAMPED

RACISM, ANTIRACISM, AND YOU

A **REMIX** of the National Book Award-winning
STAMPED FROM THE BEGINNING

\$18.99 U.S.
\$23.99 CAN.

THE THIEF KNOWN AS RACISM IS ALL AROUND.

The construct of race has always been used to gain and keep power, to create dynamics that separate and silence. Racist ideas are woven into the fabric of this country, and the first step to building an antiracist America is acknowledging America's racist past and present. This book takes you on that journey, showing how racist ideas started and were spread, and how they can be discredited.

Through a gripping, fast-paced, and energizing narrative, *Stamped* shines a light on the many insidious forms of racist ideas—and on ways **YOU** can identify and stamp out racist thoughts, leading to a better future.

Nathan Bajar



JASON REYNOLDS

is a #1 *New York Times* bestselling author, a Newbery Medal honoree, a Printz Award honoree, a National Book Award finalist, a Kirkus Prize winner, a two-time Walter Dean Myers Award winner, an NAACP Image Award winner, and the recipient of multiple Coretta Scott King Honors. He was the American Booksellers Association's 2017 and 2018 spokesperson for Indies First, and his many books include *When I Was the Greatest*, *The Boy in the Black Suit*, *All American Boys* (cowritten with Brendan Kiely), *As Brave as You*, *For Every One*, the Track series (*Ghost*, *Patina*, *Sunny*, and *Lu*), *Long Way Down*, which received both a Newbery Honor and a Printz Honor, and *Look Both Ways*. He lives in Washington, DC. He invites you to visit him online at JasonWritesBooks.com.

Stephen Voss



IBRAM X. KENDI

is the Andrew W. Mellon Professor in the Humanities at Boston University and the founding director of the BU Center for Antiracist Research. He is a contributing writer at *The Atlantic* and a CBS News correspondent. He is the author of many books, including *Stamped from the Beginning: The Definitive History of Racist Ideas in America*, which won the National Book Award for Nonfiction, and three #1 *New York Times* bestsellers: *How to Be an Antiracist*; *Stamped: Racism, Antiracism, and You*, coauthored with Jason Reynolds; and *Antiracist Baby*, illustrated by Ashley Lukashevsky. He invites you to visit him online at IbramXKendi.com.

Visit us at LBYR.com | theNOVL.com | [#StampedBook](#)

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STAMPED

RACISM, ANTIRACISM, AND YOU

A **REMIX** of the National Book Award-winning
Stamped from the Beginning

Written by

JASON REYNOLDS

Adapted from *Stamped from the Beginning* by and with an introduction from

IBRAM X. KENDI



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Stamped: Racism, Antiracism, and You was written by Jason Reynolds. It is based on *Stamped from the Beginning: The Definitive History of Racist Ideas in America* by Ibram X. Kendi, published by Bold Type Books.

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23.99 CAN.

INTRODUCTION

DEAR READER,

To know the past is to know the present. To know the present is to know yourself.

I write about the history of racism to understand racism today. I want to understand racism today to understand how it is affecting me today. I want you to understand racism today to understand how it is affecting you and America today.

The book you're holding is a remix of my book, *Stamped from the Beginning*, a narrative history of racist and antiracist ideas. A racist idea is any idea that suggests something is wrong or right, superior or inferior, better or worse about a racial group. An antiracist idea is any idea that suggests that racial groups are equals. Racist and antiracist ideas have lived in human minds for nearly six hundred years. Born in western Europe in

INTRODUCTION

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shooting star of #Black Lives Matter during America's stormiest nights. I watched the televised and untelevised killings of unarmed Black human beings at the hands of cops and wannabe cops. I somehow managed to write *Stamped from the Beginning* between the heartbreaking deaths of seventeen-year-old Trayvon Martin and seventeen-year-old Darnesha Harris and twelve-year-old Tamir Rice and sixteen-year-old Kimani Gray and eighteen-year-old Michael Brown, heartbreaks that are a product of America's history of racist ideas as much as a history of racist ideas is a product of these heartbreaks.

Meaning, if not for racist ideas, George Zimmerman would not have thought the hooded Florida teen who liked LeBron James, hip-hop, and *South Park* had to be a robber. Zimmerman's racist ideas in 2012 transformed an easygoing Trayvon Martin walking home from a 7-Eleven holding watermelon juice and Skittles into a menace to society holding danger. Racist ideas cause people to look at an innocent Black face and see a criminal. If not for racist ideas, Trayvon would still be alive. His dreams of becoming a pilot would still be alive.

Young Black males were *twenty-one times* more likely to be killed by police than their White counterparts between 2010 and 2012, according to federal statistics.

INTRODUCTION

The under-recorded, under-analyzed racial disparities between female victims of lethal police force may be even greater. Black people are *five times* more likely to be incarcerated than Whites.

I'm no math whiz, but if Black people make up 13 percent of the US population, then Black people should make up somewhere close to 13 percent of the Americans killed by the police, and somewhere close to 13 percent of the Americans sitting in prisons. But today, the United States remains nowhere close to racial equality. African Americans make up 40 percent of the incarcerated population. These are racial inequities, older than the life of the United States.

Even before Thomas Jefferson and the other founders declared independence in 1776, Americans were arguing over racial inequities, over why they exist and persist, and over why White Americans as a group were prospering more than Black Americans as a group. Historically, there have been three groups involved in this heated argument. Both segregationists and assimilationists, as I call these racist positions in *Stamped from the Beginning*, think Black people are to blame for racial inequity. Both the segregationists and the assimilationists think there is something wrong with Black people and that's why

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analyzed racial disparities. A lethal police force may be *five times* more likely to be

Black people make up 13 percent of the U.S. population, but then Black people should be 13 percent of the American population somewhere close to 13 percent. In prisons, Black people are in prisons. But today, the Black population is close to racial equality. In fact, Black people make up 10 percent of the incarcerated population, older than

ion and the other founders of the United States. In 1776, Americans were arguing about why they exist and persist, and as a group were prospering as a group. Historically, Black people were involved in this heated debate between segregationists and assimilationists, as I detail in *Stamped from the Beginning*, the book for racial inequality. Both segregationists and assimilationists think there are problems with Black people and that's why

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Black people are on the lower and dying end of racial inequity. The assimilationists believe Black people as a group can be changed for the better, and the segregationists do not. The segregationists and the assimilationists are challenged by *antiracists*. The antiracists say there is nothing wrong or right about Black people and everything wrong with racism. The antiracists say racism is the problem in need of changing, not Black people. The antiracists try to transform racism. The assimilationists try to transform Black people. The segregationists try to get away from Black people. These are the three distinct racial positions you will hear throughout *Stamped: Racism, Antiracism, and You*—the segregationists, the assimilationists, and the antiracists, and how they each have rationalized racial inequity.

In writing *Stamped from the Beginning*, I did not want to just write about racist ideas. I wanted to discover the *source* of racist ideas. When I was in school and first really learning about racism, I was taught the popular origin story. I was taught that ignorant and hateful people had produced racist ideas, and that these racist people had instituted racist policies. But when I learned the motives behind the production of racist ideas, it became obvious that this

INTRODUCTION

folktale, though sensible, was not true. I found that the need of powerful people to defend racist policies that benefited them led them to produce racist ideas, and when unsuspecting people consumed these racist ideas, they became ignorant and hateful.

Think of it this way. There are only two potential explanations for racial inequity, for why White people were free and Black people were enslaved in the United States. Either racist policies forced Black people into enslavement, or animalistic Black people were fit for slavery. Now, if you make a lot of money enslaving people, then to defend your business you want people to believe that Black people are fit for slavery. You will produce and circulate this racist idea to stop abolitionists from challenging slavery, from abolishing what is making you rich. You see the racist policies of slavery arrive first and then racist ideas follow to justify slavery. And these racist ideas make people ignorant about racism and hateful of racial groups.

When I began writing *Stamped from the Beginning*, I must confess that I held quite a few racist ideas. Yes, me. I'm an African American. I'm a historian of African Americans. But it's important to remember that racist ideas are ideas. Anyone can produce them or consume

INTRODUCTION

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them, as this book shows. I thought there were certain things wrong with Black people (and other racial groups). Fooled by racist ideas, I did not fully realize that the only thing wrong with Black people is that we think something is wrong with Black people. I did not fully realize that the only thing extraordinary about White people is that they think something is extraordinary about White people. There are lazy, hardworking, wise, unwise, harmless, and harmful *individuals* of every race, but no racial *group* is better or worse than another racial group in any way.

Committed to this antiracist idea of group equality, I was able to discover, self-critique, and shed the racist ideas I had consumed over my lifetime while I uncovered and exposed the racist ideas that others have produced over the lifetime of America. The first step to building an antiracist America is acknowledging America's racist past. By acknowledging America's racist past, we can acknowledge America's racist present. In acknowledging America's racist present, we can work toward building an antiracist America. An antiracist America where no racial group has more or less, or is thought of as more or less. An antiracist America where the people no longer hate on racial groups or try to change racial groups. An

INTRODUCTION

antiracist America where our skin color is as irrelevant as the colors of the clothes over our skin.

And an antiracist America is sure to come. No power lasts forever. There will come a time when Americans will *realize* that the only thing wrong with Black people is that they think something is wrong with Black people. There will come a time when racist ideas will no longer obstruct us from seeing the complete and utter abnormality of racial disparities. There will come a time when we will love humanity, when we will gain the courage to fight for an equitable society for our beloved humanity, knowing, intelligently, that when we fight for humanity, we are fighting for ourselves. There will come a time. Maybe, just maybe, that time is now.

In solidarity,



Ibram X. Kendi